

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Ex parte YASMIN THANAVALA and  
CHARLES J. ARNTZEN

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Appeal No. 2002-1901  
Application No. 09/464,416

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**MAILED**

**AUG 22 2002**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**ORDER REMANDING TO THE EXAMINER**

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A Reply Brief (Paper No. 22) was received July 30, 2002, in response to the Examiner's Answer (Paper No. 20) mailed October 23, 2001.

In accordance with the revision effective December 1, 1997, Title 37, *Code of Federal Regulations*, § 1.193 states:

(b)(1) . . . The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

In view of this revision, the examiner must reopen prosecution in order to respond to the Reply Brief (Paper No. 22). Otherwise, if the examiner chooses not to respond to the arguments

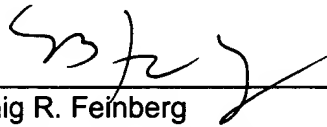
presented in the reply Brief, the examiner needs to acknowledge receipt and entry of the reply brief.

Accordingly, it is

**ORDERED** that the application is remanded to the examiner for consideration and proper response to Paper No. 22, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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